

STATE OF MARYLAND
MILITARY DEPARTMENT



MARTIN O'MALLEY

GOVERNOR

JAMES A. ADKINS

BRIGADIER GENERAL, MDANG

THE ADJUTANT GENERAL

MARYLAND EMERGENCY MANAGEMENT AGENCY

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October 29, 2008

Chairman Kevin Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Sent via email to kevin.martin@fcc.gov

RE: Ex Parte Comments, ET Docket No. 04-186; Introduction of Unlicensed Devices into the "White Spaces" Television Band

Dear Chairman Martin:

1. The Maryland Child Abduction AMBER Alert, sent via the statewide Emergency Alert System (EAS), relies heavily upon the ability of every television and radio broadcast station in our state to provide the public with interference-free access to this communication and information so that the Maryland State Police (MSP) can quickly and accurately inform residents throughout Maryland that a child has been abducted and their life may be in danger.
2. For the same reason, the Governor of Maryland, via EAS, can be directly connected to our television and radio broadcasters so that our residents can be quickly and accurately informed of statewide and other significant in-state emergencies.
3. Our local emergency management authorities, including fire and police and the National Weather Service here in Maryland, rely heavily on television and radio broadcasters to accomplish the same mission.
4. Our residents rely heavily on those broadcasters for critical information during emergencies.
5. What makes this "partnership" between government-broadcaster-public work so well is that our residents can count on being able to receive, interference-free, the emergency information provided by state and local authorities from our broadcasters.
6. Testing of so-called "white spaces" portable, unlicensed, RF emitting devices has shown that they do not avoid interfering with television station broadcasts.
7. There are major concerns over a recently issued engineering report from the FCC which is being used to support a draft Report and Order that will allow millions of the unlicensed devices to be distributed all of our country thereby interfering with the reception of television station signals, whether the viewer is viewing the station off-air or over cable. Furthermore, once the devices are "out there," it will be impossible to track the interfering devices down and stop the interference.

8. No less than our ability to protect lives and property and to communicate reliably and accurately during times of emergencies are at stake in the "white spaces" proceeding.

9. The FCC should delay any vote on a Report and Order until the public has had a reasonable opportunity to review and comment upon the engineering report and the FCC has given due consideration to those comments, including in particular, the adverse effect that the wrong decision will mean to Maryland's principal information communications system to the public in the form of broadcasting.

10. I have spoken with COL. Terrence Sheridan, Superintendant of the Maryland State Police. COL Sheridan has also expressed his concern about this issue and conveyed to me that the safety of Maryland's citizen's depends upon the clear transmission of critical information to notify them of any emergency.

Sincerely,

Richard Muth
Director

Cc; Commissioner Michael J. Copps,
Commissioner Jonathan Adelstein,
Commissioner Deborah Tate
Commissioner Robert M. McDowell: